



Public Policy Number:	DDEC-WIOA-05-20
Effective:	October 20, 2020
Subject:	Training under Trade Adjustment Assistance (TAA) Programs
To:	DEDC's Workforce Development Program staff, Local Workforce Development Boards, CGU/AJC operators, service providers, and other partners in the workforce development system.
Purpose:	To communicate the requirements when approving Trade Adjustment Assistance (TAA) Training for certified petitions.

I. DEFINITIONS:

1. **Adversely Affected Incumbent Worker:** a worker who 1) is a member of a group of workers that have been certified as eligible to apply for TAA benefits; 2) has not been totally or partially separated from employment so does not have a qualifying separation, and; 3) is determined to be individually threatened with a total or partial separation.
2. **Normal Commuting Area:** the area in which an individual is expected to travel to and from work on a daily basis as determined under the applicable State Law.
3. **Reasonable Cost:** the proposed cost of training that would be the same as or less than other available training opportunities similar in quality, length, content, and projected outcome.
4. **Subsistence:** a monetary allowance to offset the costs of housing and meals when a participant must attend a training facility outside his or her normal commuting area.
5. **Suitable Employment:** work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such

work that are not less than 80 percent of the worker's average weekly wage. Part-time, temporary, short-term, or threatened employment is not considered suitable employment.

6. **Trade Adjustment Assistance (TAA) Program:** refers to the Trade Adjustment Assistance for Workers Program as operated under chapter 2 of title II of the Trade Act of 1974 generally.
7. **Trade Readjustment Allowances (TRA):** income support payments to individuals who have exhausted Unemployment Compensation and whose jobs were affected by foreign imports as determined by a certification of group coverage issued by the Department of Labor.
8. **Unemployment Insurance (UI):** unemployment compensation payable to a worker under any State Law or Federal UI Law, including chapter 85 of title 5 of the U.S. Code and the Railroad Unemployment Insurance Act.
9. **Workforce Development Program (WDP):** the unit of the Department of Economic Development and Commerce that manages the Trade Adjustment Assistance Program grant.
10. **Workforce Innovation and Opportunity Act (WIOA):** signed into law on July 22, 2014, and became effective on July 1, 2015, to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

II. **BACKGROUND:**

The amended Trade Act of 1974 created the Trade Adjustment Assistance (TAA) Program to help individuals who became unemployed, as a result of increased imports, return to suitable employment. The TAA program provides for reemployment services and allowances for eligible individuals. The objective of TAA training is to achieve marketable skills for a participant's return to suitable employment. This policy provides the expectations, standards, and rationale required for justifying and approving TAA training. All six criteria must be documented to support approval or denial of training.

III. **POLICY:**

A. **Training Criteria**

TAA case managers must approve training for a trade-affected worker if the following six criteria are met (20 CFR 618.610):

1. There is no suitable employment available for the trade-affected worker.

- There is no suitable employment available for the individual, either within or outside the commuting area, where the worker intends to relocate, and there is no reasonable prospect of suitable employment becoming available in the foreseeable future.
- If a training program or an application is denied, suitable employment availability through traditional and real-time labor market information must be documented.

2. The trade-affected worker would benefit from appropriate training.

- The worker would benefit from appropriate training when training, skills training, or remedial education would increase the likelihood of obtaining employment.
- Appropriate training should improve the worker's chances of obtaining employment at higher wages than in the absence of training or place the worker on a pathway to do so.
- Additionally, the worker must have the knowledge, skills, and abilities to undertake, make satisfactory progress, and complete the training program.

3. There is a reasonable expectation of employment following completion of training.

- A reasonable expectation of employment does not require the worker to be employed immediately upon completing the training program.
- The expected job market conditions (within or outside the commuting area) must be measured using labor market data, and this information must be documented in the worker's case file.
- In cases where a limited demand occupation exists within or outside the worker's commuting area, other available opportunities for securing employment must also be assessed. In addition, consideration should be given to the number of individuals currently enrolled in training that are likely to meet the limited demand

before enrolling additional individuals. These efforts must be documented in the worker's case file.

- A training program may be approved in an occupation where there is reasonable expectation that the training will lead to self-employment, and will provide the individual with wages or earnings at or near the worker's wages in adversely affected employment.
- Training programs, including an On-the-Job Training (OJT) component, either fully or partially, must not be approved if they are not expected to lead to suitable employment with the employer providing the OJT.

4. Training is reasonably available to the trade-affected worker.

- Training opportunities available within the worker's commuting area must be given first consideration unless none are available at the time.
- The training must be available at a reasonable cost.

5. The trade-affected worker is qualified to undertake and complete the training.

- Consideration must be given to the worker's knowledge, skills, abilities, educational background, work experience, and financial resources.
- Any initial assessment, comprehensive and specialized assessment, and IEP developed must be consulted to support the worker's ability to undertake and complete the training.
- The individual's remaining available weeks of Unemployment Insurance (UI) and Trade Readjustment Assistance (TRA) payments must equal or exceed the training program's duration. Otherwise, the worker should have sufficient financial resources to support its completion.
- If the weekly benefits will exhaust before the end of the training program, it must be determined that personal or family resources are available to the individual to complete the training.
- When adequate financial resources are not available to complete the training program, the training must not be approved, and

consideration must be given to other training opportunities available to the individual.

- Information related to the availability of financial resources should be documented in the participant case file.

6. The training being considered is suitable for the worker and available at a reasonable cost.

- Case managers must demonstrate that the training is appropriate for the worker given criterion 5 and the individual's knowledge, skills and abilities, background, and experience relative to the worker's employment goal.
- Costs of a training program may include, but are not limited to, tuition and related expenses (e.g., books, tools, computers and other electronic devices, internet access, uniforms and other training-related clothing such as goggles and work boots, laboratory fees, and other academic fees required as part of the approved training program) as well as supplemental assistance (subsistence and transportation expenses).
- States must pay the costs of initial licensing and certification tests and fees where these are required for employment.
- It must be documented that the training program costs are reasonable by researching costs for similar training programs.
- Related expenses must be necessary for the worker to complete the training program, and other options should be explored before purchasing equipment or related materials.
- Available at a reasonable cost means that training must not be approved at one provider when better or similar training can be obtained from another provider at a lower total cost within a similar time frame.
- Training must not be approved when the training costs are unreasonably high compared to the average costs of training other workers in similar occupations at other providers.
- Higher cost training may be approved if it is reasonably expected to result in a higher likelihood of employment, employment retention, or greater earnings, or to return the worker to employment in a significantly shorter duration.

- Training at facilities outside the worker's normal commuting area requiring transportation or subsistence payments which add substantially to the total costs must not be approved if another appropriate training is available.

NOTE: The six training criteria will be completed by the TAA case manager after notification of the TAA training request has been received. Case notes must document enough information that will enable the TAA case manager to make an eligibility determination.

B. Types of Training

1. Classroom/Occupational Skills Training

Classroom-based training is provided by public or private educational institutions such as universities, community colleges, and private trade/technical schools. This type of training might conclude with the participant earning a career-specific certificate or a degree.

A. Distance Learning

With distance learning, a participant completes all or part of the coursework in a satellite location or online. Distance learning is considered classroom training when the degree or certificate received is equivalent to that which would have been received if the training had been conducted in a traditional classroom on the main campus. The final degree or certificate must offer the same accreditation regardless of where the coursework is completed.

Distance learning is generally more self-paced than traditional classroom training. The case manager must work with distance learning providers to understand the specific requirements or milestones of the distance learning program and ensure that the training provider keeps the agency informed of the participant's adherence to those requirements.

B. Remedial, GED, HSE, and ESL Education

1. This training is designed to prepare the participant for occupational and higher education training. It may include English as a Second Language (ESL), the General Educational

Development (GED) test, High School Equivalency (HSE) diploma, or remedial language and math classes.

2. Remedial education may run concurrently with the occupational training program.
3. ESL can be approved as a stand-alone training only if the participant has a marketable skill and only needs to learn English to secure employment.

2. Work-based Training

An employer provides this training to participants for a specific position within the company. The training can be either on-the-job or can be combined with classroom instruction to create a customized training plan. The case managers must communicate with both the employer and the participant to develop an effective training plan. The employer knows what skills are needed for the job and the case manager determines the transferable skills of the participant.

The participant must demonstrate satisfactory participation. Absences are only excused when there is a justifiable cause. The case must review each absence and determine whether the cause is justifiable.

A. Customized Training

1. Customized training is designed to meet the special requirements of an employer or group of employers.
2. There must be a commitment by the employer(s) to hire the participant upon successful completion of the training.
3. The employer is expected to pay no less than 50 percent of the cost of training.

B. On-The-Job-Training

1. On-the-Job Training (OJT) is conducted at the job site to teach the participant the necessary skills for a specific occupation while paying the participant full time wages. Because the participant is earning wages, neither UI nor TRA benefits are

payable during OJT. TAA will pay up to 50 percent of OJT expenses to the employer.

2. OJT can be combined with classroom training as part of the training plan and should be given priority over other types of training. OJT may lead to employment with the OJT employer; however, a guarantee of employment is not required.
3. When specific skills to be acquired have been identified, a timeframe to learn and perform these skills proficiently must be established. The employer, the participant, and WIOA assessments may provide input into the time needed to acquire those skills.
4. Tools or other supplies that the employer normally supplies to a participant may be included as part of the contract either as additional costs or as items of no cost to TAA. When tools or other supplies are normally supplied by the participant and are a necessary and normal part of the position, they may be purchased with TAA funds.

Note: Because OJT is full-time work, no subsistence or mileage can be paid for an OJT training plan and the participant is not eligible to receive UI or TRA benefits.

OJT-Specific Approval Criteria

OJT participants must meet the six criteria for training as well as OJT-specific criteria. It is the employer's responsibility to ensure prospective OJT participants meet the following criteria:

- a. Participants cannot fully or partially displace any currently employed worker;
- b. The training must not impair existing contracts for services or collective bargaining agreements;
- c. When the training is in any way inconsistent with the terms of a collective bargaining agreement, the labor organization must give written agreement;
- d. The participant's position or equivalent position cannot be available due to the layoff of another employee;

- e. The participant's position must not interfere with the advancement opportunities of currently employed participants; and
- f. The position or training must not be in the same occupation as the participant's adversely affected employment

3. Registered Apprenticeship

Registered Apprenticeship programs offer participants employment and a combination of on-the-job learning and related instruction. Participants are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their programs.

- A. The length of Registered Apprenticeship varies depending on the specific occupation. Registered Apprenticeship combines classroom instruction with employment and in most cases, adversely affected workers enrolled in the program will not be able to access TRA income support due to their income earned through wages.
- B. TAA funds can be used to pay for expenses associated with related instruction (e.g., classroom and distance learning), tools, uniforms, equipment, and books for an adversely affected worker participating in Registered Apprenticeship. During participation, TAA funds can be used until the worker reaches suitable employment or 130 weeks, whichever comes first.
- C. Reemployment Trade Adjustment Assistance (RTAA) funds may only be used considering the wages for the worker's past adversely affected employment; as compared to his or her current wages while employed in a Registered Apprenticeship program and meeting the age requirement of being age 50 or older. RTAA benefits may be an option for those in training and employed through Registered Apprenticeship if they are employed for at least 20 hours per week.

4. Higher Education and WIOA Programs

TAA-approved training may be authorized for participants to obtain a two-year certificate or degree, or to complete a four-year (or more)

degree that has been started and can be completed in 130 weeks of approved training.

Training approved through WIOA is allowed as a TAA-approved training option; however, training options available under the TAA Program are not limited to training programs under WIOA Title I-B.

5. Pre-Separation Training

Pre-separation training is training for adversely affected incumbent workers and is intended to allow earlier intervention where layoffs are planned in advance allowing the employer to specifically identify which workers will be affected.

- A. Adversely affected incumbent workers may begin training before a layoff that can reduce the period of time needed to complete the training program after separation occurs and in turn, reducing the duration of the worker's weeks of unemployment.
- B. The criteria and limitations for training approval are the same as for adversely affected workers, as well as eligibility for employment and case management services.
- C. It is important to note that pre-separation training must not be approved when it consists of or includes on-the-job training (OJT). The TAA State Coordinator may not approve customized training for an adversely affected incumbent worker unless such training is for a position other than his or her position in the adversely affected employment.
- D. An adversely affected incumbent worker may receive pre-separation training for another position with his or her current employer only if the position is not similarly threatened by trade (i.e., the new position is outside of the firm, or appropriate subdivision of the firm if applicable, that employed the workers in the certified worker group).
- E. When the threat of separation is removed during a training program, funding of the training must cease. The worker would be eligible to complete any portion of the training where TAA funds were spent but would not be eligible for further TAA funding of the training program without a threatened or actual separation from the adversely affected employment.

F. The TAA State Coordinator:

1. Must ensure that, if training is being provided under agreement with the current employer, the training is for a different position.
2. Must verify with the employer, before funding each subsequent portion of the training, if the threat of total or partial separation continues to exist for the duration of the pre-layoff training.
3. May resume funding in the event of a total qualifying separation if the six criteria for approval continue to be met.

Note: While a pre-separation training program may be resumed, a worker who has participated in pre-separation training will not be eligible for a new and different training program, and the duration of the training program continues to be limited to a total of 130 weeks.

C. **Approval of Training**

Prior to the approval of training, the case manager must document that the participant meets the six criteria for training approval as listed above. Training approval should consider the following:

- The training should not be approved at one provider if similar or better training, considering quality, content, and results, can be obtained from another provider at a lower cost within a similar time frame.
- The training should not be approved if the costs are unreasonably high in comparison with the average costs of training in similar occupations with other providers.
- **Exception:** Higher cost training may be approved if that training is expected to result in a higher likelihood of employment, employment retention, or greater earnings, or to return the worker to employment in a significantly shorter duration.
- The case manager must only approve the amount of time necessary for the worker to obtain the desired skills in the shortest possible time.
- To determine the length of training, the worker's status (part-time or full-time), weeks spent in training and availability of sufficient funding should be taken into consideration.

- The maximum duration of training should not exceed 130 weeks (except for OJT, Apprenticeship, and certain workers who are in the US. Armed Forces).
- The participant should be able to complete the occupational goal identified in the case management file and within the terms of the approved training plan.
- The participant must be enrolled in the TAA approved training within 26 weeks from the date of separation or the date of petition certification, whichever is later. Otherwise, the participant must have a waiver for training (see section D of this policy).
- The training must be conducted within the United States.

While a participant is attending TAA approved training, the case manager is responsible for maintaining regular contact at intervals not exceeding 60 days and documenting in the state case management system case notes that the participant is making satisfactory progress. Copies of benchmarks, grades, and schedules must be maintained in the participant's file.

D. Assessments

Initial and comprehensive assessments need to be done for all TAA participants. These will help identify workers who possess skills needed by local employers or identify workers who need additional services.

Initial Assessment

The initial assessment will help determine which TAA benefits and services will be most beneficial for the worker. This assessment should consider:

- the current local labor market information;
- the worker's knowledge, skills, and abilities from their education and previous employment;
- any transferrable skills that would be of interest to local employers;
- an evaluation of the individual's skill levels, aptitudes, abilities, and supportive service needs; and
- any barriers to reemployment.

Comprehensive and Specialized Assessments

The comprehensive specialized career assessment will help determine the potential occupations for the TAA participant and will serve as a guide in the development of the participant's training plan. A primary reason for conducting specialized career assessments is to demonstrate that participants have the abilities and qualifications to participate successfully in a specific training program. Specialized career assessments are detailed examinations of the participant's qualifications, skills, and capabilities and should explore any relevant facets that may impact negatively upon the successful completion of the proposed training plan.

- The assessment may use tools, instruments, and interviews to collect the following: educational background; employment history; information about basic literacy; occupational skill levels; transferable skills; language proficiency; interests; aptitudes; family and financial situation; emotional and physical health, including disabilities; attitudes toward work; motivation; and supportive service needs.
- If a co-enrollment partner has already performed a specialized career assessment, the case manager can use the results from the previous assessment or conduct one to assess any missing elements.
- Initial and comprehensive assessments need to be done for all TAA participants.

Individual Employment Plan

If an Individual Employment Plan (IEP) is developed or has been previously developed for the worker, the results must support the proposed training determination. The IEP should incorporate the information collected from the initial and specialized assessments to develop the appropriate training strategy. Staff must ensure the plan includes the following:

- the worker's employment goals;
- the proposed training program;
- the services needed to obtain suitable employment, including supportive services provided through partner programs;
- any supplemental assistance (e.g., subsistence or transportation payments);
- the individual's responsibilities under the plan.

If a previous IEP exists, the case manager must ensure that it includes the elements listed above, or it must be updated to include these. The plan must be developed with the participant's input, and he or she must be informed about any modification or receipt of assistance.

E. Documentation Requirements

Documentation will begin with the initial assessment and end at the time of program exit. The process should consider the following:

- All assessments, determinations, and reviews must be documented in the worker's case file using the case management system.
- The TAA case manager must establish and document training benchmarks to provide for the review of the participant's progress, facilitate early intervention, and allow for the modification of training plans.
- The TAA case manager must evaluate satisfactory progress against the established benchmarks at intervals of no more than 60 days.
- Progress documentation may include but is not limited to letters, emails, grades, transcripts, and documented phone conversations with the worker or training provider.
- Information about the participant's health issues and sensitive personal and confidential information should not be documented in the case file.

F. Funding

The case manager may approve training that is either fully funded by TAA or funded by a combination of TAA and other partner programs, such as WIOA Title I, Vocational Rehabilitation, Veterans Education Benefits, among others. Funds established by other private individuals or organizations to assist participants in the transition to reemployment may also be used. The case manager must document the funding sources in the case management file, including funding details, amounts, and periods being paid for. In addition, although TAA does not require participants to apply for Federal Financial Aid, case managers should inform participants about this potential funding source in case TAA funding is not available in the future.

In determining the reasonable cost of training concerning a worker, it may be considered whether other public or private funds are reasonably

available to the worker to lower the program cost. However, participants cannot be required to obtain such funds as a condition of approval of training. Section 236(a)(9)(B)(ii) of the 2015 Act ensures that training programs that would otherwise not be approved under TAA due to costs may be approved if a worker voluntarily commits to using public or private funds to pay a portion of the costs of training.

Private funds may include:

- Grants (except for certain student financial assistance mentioned next).
- Scholarships.
- Employer financing.
- Other non-personal sources are available to the participant.

As mentioned, certain types of student financial assistance (i.e., Pell Grants, benefits under Supplemental Educational Opportunity Grants, Federal educational loan programs, Presidential Access Scholarships, and Federal student work-study programs) must not be taken into account when determining the need or eligibility of any person for benefits or assistance, or the amount of benefits or assistance, under any Federal program. Therefore, the Workforce Development Program will not consider the student financial assistance to approve training. This allows an individual to use student financial assistance for living expenses instead of tuition, thus providing the worker income support during long-term training.

G. Eligible Training Provider List (ETPL) and TAA

TAA training providers are not required to be on the Statewide ETPL for approved training. However, providers on the ETPL offering comparable training within a local area should be given first consideration over providers not on the list.

In some cases, participants may be co-enrolled in other programs while in training. Some of those programs may require the training provider to be listed on the Statewide ETPL as a condition of eligibility, and if a non-ETPL provider is selected, eligibility might be affected. Therefore, it is essential that TAA case managers advise participants that co-enrollment with other programs may be adversely impacted if they choose non-ETPL training programs. Case managers must also document that participants

were advised of and acknowledge this issue if they choose providers outside the list.

Whether part of the ETPL or not, the approved trainings are required to meet the following requirements:

- a. are in occupational demand;
- b. are aligned with the evaluation and the interests of the participant; and
- c. lead to the achievement of a credential.

H. Statewide Commuting Area

For Puerto Rico, the Statewide commuting area is defined as 9 miles one-way. This definition only applies to transportation and subsistence reimbursements while a participant is in TAA approved training. TAA case managers will use the shortest one-way distance from the participant's residence to the training site to determine whether the travel distance is within the local commuting area.

I. Supplemental Assistance

Training programs outside the worker's commuting area must consider the costs of necessary transportation and subsistence (lodging and meals). The need for these allowances must be documented on the trade-affected worker's IEP, if one is available, or in the individual's case file.

Subsistence Allowances

When assessing subsistence expenses, TAA staff must consider and document the following:

- Reimbursement must not be approved if another source covers the worker's expenses.
- Payments must not be approved for unexcused absences.
- The allowance must be approved before the participant claims any expenses.
- Subsistence allowances must be paid upon a worker's completion of a week of training unless determined otherwise.

- The allowances must only cover days when the participant attends training.
- The costs are the lesser of:
 - The worker's actual per diem expenses for subsistence; or
 - Fifty percent of the federal per diem rate for the area in which the training takes place.

Transportation Allowances

When assessing transportation expenses, TAA staff must consider and document the following:

- Reimbursement must be calculated round-trip, from the first mile outside the commuting area to the training site.
- Reimbursement must not be approved if the worker's expenses are arranged and paid by the State, covered under another law, or covered by another source.
- The daily transportation payment may not exceed the daily subsistence payment if the individual temporarily resided in the area of training.
- Transportation allowances must be paid upon a worker's completion of a week of training, but at a minimum monthly, unless determined otherwise.

Exceptions

A trade-affected worker may receive subsistence and transportation allowances:

- At the beginning and the end of training;
- When the individual has a justifiable cause for not completing the training and must return to his or her residence before its completion.

J. Supportive Services

TAA participants may need supportive services while they complete training and obtain employment. It is important to note that TAA funds cannot be used to pay for supportive service costs, including transportation within the commuting area. To offer these services to TAA

participants, staff must ensure that the individual is co-enrolled in an eligible program (e.g., WIOA dislocated worker services).

K. Tools, Equipment, and Supplies

The case manager may approve the purchase of tools, equipment, supplies, and other materials if they are required for the TAA training program. These must be verified through the training institution (e.g., training catalog, training instructor) and documented in the participant case file.

The participant will be responsible for all tools issued while in training. If the participant does not complete the training, the participant must return the tools to the case manager, or an overpayment will be established for the full purchase cost. The case manager must maintain an inventory of all items in the individual's case file.

Using the Department of Economic Development and Commerce (DEDC) policies and procedures allows case managers to use an economical approach to the procurement of tools, equipment, supplies, or other materials, and awards the purchase to responsible providers/vendors while documenting the purchase is appropriate for the participant's needs. All case managers must follow DEDC policies and secure three bids from the participant, whenever possible, before procuring the materials.

Staff must also follow general procurement standards established in the Federal Office of Management and Budget Uniform Guidance 2 CFR 200.318 and the TAA program procedures that reflect DEDC policy. It is essential to maintain case management records and documentation in case management records detailing the history and progression of procured items, including the rationale for the procurement method, chosen item, and the basis for approving or denying the item cost. If case managers comply with the preceding direction, but determine a more costly purchase is justified, written case management records must support the final purchase.

L. Temporary Leave of Absence from Training

In cases where there is good cause due to medical or health reasons for the participant or family member, the case manager may grant up to one-quarter leave of absence for a participant attending approved training. The leave of absence must be coordinated with and approved

by the training institution to ensure minimal impact on the participant's original training plan. The case manager must communicate to the participant the potential impact a leave may have on income support benefits.

The reason for the leave of absence must be documented in the case file and signed off by the participant, the case manager, and the training institution.

M. Request to Return to Training after Withdrawal

When a participant drops or withdraws from TAA approved training for reasons other than an excused temporary leave of absence and wishes to return to training, the case manager may submit a request to the WDP. If good cause is established, the WDP will decide whether the participant will be allowed to return to the previously approved training program. A case manager may allow participants called to active military service to resume the previously approved training plan under TAA as long as federal funds are available.

N. Adversely Affected Incumbent Workers

Adversely affected incumbent workers may apply for TAA-approved training before the date of separation. By allowing an earlier intervention, or pre-separation training, the worker's unemployment period may be reduced. It is important to note that adversely affected incumbent workers must meet all TAA training approval criteria before being approved. However, they cannot participate in OJT or customized training unless the customized training is for a position other than the incumbent worker adversely affected position. If the threat of layoff is removed, the individual will no longer qualify to receive training services.

O. Waiver of TAA Training Requirement

In some instances, individuals who are enrolled and participating in TAA training may be excused and still benefit from income support (i.e., Basic TRA). For a participant to qualify for a waiver, one of the following conditions must be met:

- The worker is unable to participate in or complete training due to a health condition;
- No training program is available within 60 days; or
- The enrollment date is not immediately available.

The waiver must be issued within 26 weeks of the date of certification or separation, whichever is later.

P. Priority of Service

Per the Jobs for Veterans Act enacted into **Public Law 107-288** on November 7, 2002, covered veterans determined eligible for the TAA program must receive priority over non-veterans for the provision of TAA services.

IV. REQUIRED ACTION:

Please ensure that all appropriate staff is knowledgeable of the content of this Policy Issuance and that they carry out related TAA activity in a compliant manner.

V. SEVERABILITY CLAUSE:

If any provision of this public policy is challenged by the Court and declared unconstitutional or void, such decision shall not affect, impair, or invalidate the remaining provisions of this public policy but shall be limited in effect to the provision or topic specifically addressed. The nullity or invalidity of any provision or topic shall not affect or prejudice in any way its application or validity in any other case except when specifically and expressly invalidated for all cases.

VI. TECHNICAL ASSISTANCE:

All local areas have support, guidance, training, and technical assistance on applicable regulatory processes. For any questions related to this policy, please contact TAA Program Staff at Workforce Development Unit at (787)754-5504.

VII. EFFECTIVE:

This public policy will become effective after it is approved by the Workforce Development Program and ratified by the Secretary of the Department of Economic Development and Commerce.

VIII. LEGAL FRAMEWORK:

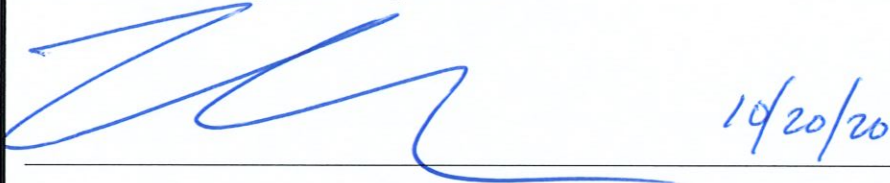
- Public Law 93-618, Trade Act of 1974, as amended
- 20 CFR 618
- Training and Employment Guidance Letter No. 15-12

- Training and Employment Guidance Letter No. 22-08
- Training and Employment Guidance Letter No. 3-20
- Office of Management and Budget Uniform Guidance 2 CFR 200.318
- TAA Policies and Manuals from other States
 - Washington: <http://media.wpc.wa.gov/media/WPC/adm/policy/3065-2011.pdf>
 - Texas: <https://www.twc.texas.gov/files/partners/trade-adjustment-assistance-guide-twc.pdf>
 - Arizona: https://des.az.gov/sites/default/files/media/taa_policy_manual_3_2018.pdf
 - New York: <https://labor.ny.gov/workforcenypartners/taa/Trade-Adjustment-Assistance-Desk-Guide.pdf>



October 20, 2020

Workforce Development Program Director



10/20/20

Secretary of the Department of Economic Development and Commerce